

**BOARD OF SUPERVISORS  
REGULAR SCHEDULED MEETING  
JUNE 20, 2016**

The Appomattox County Board of Supervisors held their Regular Scheduled Meeting on Monday, June 20, 2016 at 6:30 PM in the Board of Supervisors meeting room located at 171 Price Lane, Appomattox, Virginia.

**Present:**

**Appomattox County Board of Supervisors:**

Samuel E. Carter	Courthouse District, Chairman
Sara E. Carter	Piney Mountain District, Vice-Chairman
William H. Hogan	Appomattox River District
Chad E. Millner	Falling River District
Bryan A. Moody	Wreck Island District

**Also Present:**

Susan M. Adams, County Administrator  
J. G. Overstreet, County Attorney  
Jeff Taylor, Economic Development Director  
Johnnie Roark, Community Development Director  
John Spencer, Information Systems Manager/Purchase Agent  
Vicky Phelps, Finance

**CALL TO ORDER**

Chairman Carter called the meeting to order at 6:30 PM and delivered the invocation.

**Pledge of Allegiance**

**Setting of Agenda**

There were no changes made to the agenda.

**CITIZEN PUBLIC COMMENT**

Shirley Wheeler came forward and stated her address as 394 Gum Branch Road, Appomattox Virginia. Ms. Wheeler stated that she is here tonight to provide the Board with an update on services that are provided to the elderly in Appomattox County at the Community Center through Central Virginia Alliance for Community Living. Ms. Wheeler asked the Board to please consider giving back the funds that were removed from their budget during FY16.

Mr. Robert Fox came forward and stated his address as 1417 Redfield Road, Appomattox. Mr. Fox stated that he currently serves on the Board for programs for elderly as mentioned by Ms. Wheeler. He also provided an update on activities that are offered and asked that the Board please consider the request made by Ms. Wheeler, during budget preparation time.

Hearing no questions/comments from the Board, Chairman Carter thanked Ms. Wheeler and Mr. Fox.

## **PUBLIC HEARING (7:00 P.M.)**

### Joint Public Hearing with VDOT-Secondary Six Year Road Plan

Chairman Carter stated that after being duly advertised, a Joint Public Hearing with VDOT is being held to receive public comment on the proposed Secondary Six-Year Road Plan (2016/17-2021/22) and the Construction Priority Listing (2016/17) for Appomattox County. During this time, Appomattox County citizens are afforded the opportunity to make comments and recommendations concerning the proposed plan. Chairman Carter stated that Don Austin, VDOT Resident Engineer is available to address any questions and/or concerns.

Mr. Austin came forward and provided the board with an updated and final Rural Rustic List and Six Year Plan; he reported that there is a slight increase in the fees.

After Mr. Austin completed the review of the Rural Rustic List and Six Year Plan, Chairman Carter called for public comment.

Mr. Kenneth Wolfskill came forward and stated his address as 1488 Poorhouse Creek Road. He stated that he was making a plea to get Poorhouse Creek Road moved up on the priority list for funding. He stated that you cannot follow a car due to not being able to see and stated that it is a hazard.

Mr. Roger Slagle came forward and stated his address as 355 Old Grist Mill Road, Appomattox. Mr. Slagle stated that he does not live on Poorhouse Creek Road but owns two homes on the mentioned road. He stated that over the years he has witnessed many wrecks on this road due to the young people hitting the gravel and wrecking. He stated that he is glad this road is being considered as a priority on the list and the traffic has increased greatly.

Mr. Bill Henry came forward and stated his address as 2120 Poorhouse Creek Road, Appomattox. He stated that he moved into the area in December and the dust has been so horrible that he has had to pull over until he was able to see. He asked the Board to please consider the request to move this project up on the priority list for paving.

Mr. Austin explained the process of getting roads paved and stated that the priority list is made up of decisions from the Board and VDOT. He stated that these decisions can be changed.

Chairman Carter called for other comment, hearing none he closed the public hearing at 7:11 p.m.

Chairman Carter then called to order at 7:11 p.m. the Public Hearing of RZ16-0189/CUP16-0199-Dustin Williams. Chairman Carter stated that RZ16-0189/CUP16-0199 Eugene & Wanda Williams (owner), Dustin Williams (applicant) has applied to conditionally rezone property from A-1, Agricultural Zoning District to B-2, Limited Commercial Zoning District and obtain a conditional use permit within the new zoning district. The purpose of the petition is for the

applicant to locate an outdoor theatre (commercial outdoor entertainment) on the property. The parcel is located near 524 Country Club Road, in the Appomattox area. Tax Map #75 (4) 10 (part of); Total Acres: 1.61 acres.

Mr. Roark came forward and provided the Board with an overview of the proposed request.

Mr. Dustin Williams came forward and stated his address as 524 Country Club Road, Appomattox Virginia. He also provided the board with an overview of the request and stated that they will be starting an education program here in Appomattox. He stated that he is hoping to partner with area parks and with Courthouse Theatre. He explained that they also are providing to citizens a free movie night each month. He asked the Board to favorably consider this petition request.

Mr. James Vecce came forward and stated his address as 524 Country Club Road, Appomattox and stated that he is the manager for Wolfbane. He stated that it important that the Board is aware that they are employing a large amount of people and to please consider approving this request.

Hearing no further comment, Chairman Carter closed the public hearing at 7:33 p.m.

Chairman Carter called to order at 7:33 p.m. the Public Hearing on the Comprehensive Plan Update.

Chairman Carter stated that authority for local government planning in Virginia is contained in Title 15, Section 15.2-2223 through 15.2-2232 of the Code of Virginia. He stated that this proposed plan was prepared in accordance with these provisions. By State law, this plan shall be general in nature. It shall designate the approximate location, character, and extent of each feature shown and may indicate where existing lands or facilities are proposed to be extended, removed, relocated, vacated, narrowed, abandoned, or changed in use. Generally, a comprehensive plan should look a minimum of twenty (20) years into the future. The planning horizon for this update is 2040. The preparation and update of the Appomattox Comprehensive Plan represents an evolution in thinking based on current planning trends, as well as, local socio-economic trends. As a place of national historical significance, Appomattox County must preserve its heritage, while encouraging new development of an appropriate scale and character.

Chairman Carter called for public comment, hearing no comment he closed the public hearing at 7:34 p.m.

### **APPEARANCES**

Blue Ridge Medical Center- Peggy Whitehead, CEO

Chairman Carter stated that Ms. Whitehead requested to appear before the Board concerning support in locating a satellite Medical Center to Appomattox.

Ms. Whitehead came forward and stated that she serves as the CEO for the Blue Ridge Medical Center and stated her address as Nelson County Virginia.

Ms. Whitehead provided the Board with a presentation on the Blue Ridge Medical Center which explained their mission to provide patient centered quality health care to all people in Nelson County and neighboring communities; and to improve their general health and well-being through prevention, education and treatment.

She explained that the BRMC vision is to be a vital, vibrant health center, recognized as the preferred provider of primary health care for the people in our community, accomplishing access to primary care and equalizing disparities in health outcomes for all people in our service area.

Ms. Whitehead explained that their values are Respect, Integrity, Professionalism, Competence, Compassion, and Altruism. She stated that their proprieties are safety, privacy, compassion and efficiency. She stated that their common propose statement is “We work together to compassionately put patients at the center of quality care”. Ms. Whitehead explained that for more than 45 years, health centers have provided comprehensive, culturally competent quality primary health care to the medically underserved communities and vulnerable populations. Ms. Whitehead explained the fundamentals of the program.

After the presentation Ms. Whitehead asked the Board to please consider passing the provided resolution and giving their support.

Chairman Carter opened the floor for discussion.

After discussion, Chairman Carter thanked Ms. Whitehead for her presentation.

### **ADMINISTRATIVE REPORT**

Ms. Adams provided the Board with a written copy of her Administrative Report. She reviewed the report with the Board and called for questions/comments or concerns.

### **ATTORNEY’S REPORT**

Chairman Carter stated that included in the Board package is a letter from Mr. Overstreet announcing his resignation as County Attorney effective December 31, 2016.

Mr. Overstreet stated that what had been stated in the letter he meant it with all sincerity.

### **Remote Participation Policy**

Chairman Carter stated that Mr. Overstreet has prepared the Remote Participation Policy for the Board of Supervisors members with suggested guidelines.

## Appomattox County Board of Supervisors Remote Participation Policy

If a quorum is physically present at the primary or central meeting location to conduct a meeting of the Board of Supervisors or one of its committees, other members may attend and participate in such meetings from a remote location by telephone or other audio or video means, provided such attendance complies with the provisions of the Virginia Freedom of Information Act, (especially Section 2.2 Part B-3708.1CV) as amended from time to time and the Board adopts a Resolution to that effect. A member wishing to attend in this manner shall advise the clerk of the board a reasonable time before the start of the meeting so that the necessary equipment can be put in place. In deciding the issue of whether to allow remote participation, the Board shall be guided by the following:

### Examples of emergencies include, but not limited to:

- \_\_\_\_\_ Flat tire on the way to the meeting, call in from cell phone at side of the road;
- \_\_\_\_\_ Traffic congestion or stoppage;
- \_\_\_\_\_ Personal, family or business emergency or
- \_\_\_\_\_ Blizzard, flood, or other sudden severe weather conditions that prevent travel to the meeting location.

### Examples of personal matters include, but are not limited to:

- \_\_\_\_\_ Business trip;
- \_\_\_\_\_ Family trip; or
- \_\_\_\_\_ Scheduling conflicts.

NOTE: Sometime there may be overlap between emergencies and personal matters. As both are covered by the same procedure, the individual member may choose.

### Examples regarding physical disabilities/medical condition:

- \_\_\_\_\_ Temporary hospitalization or confined to home;
- \_\_\_\_\_ Contagious illness; or
- \_\_\_\_\_ Any permanent physical disability that prevents travel to the meeting location.

NOTE: Electronic Participation is also available in situations where the Governor has declared a state of emergency as provided in Section 2.2-3708G. Code of Virginia.

Mr. Overstreet stated that he Board may make changes as seen needed or they many want to adopt this as part of their policy.

After discussion, Mr. Hogan made a motion to adopt the Remote Participation Policy as presented by County Attorney. Mr. Moody seconded Mr. Hogan's motion. Chairman Carter called for discussion, hearing none, he called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

## **ACTION ITEMS**

### **Ordinance to Conditionally Rezone RZ16-0189-Dustin Williams**

Chairman Carter stated that a public hearing has been held and comments received on the petition to conditionally rezone 1.61 acres from A-1, Agricultural Zoning District to B-2, Limited Commercial Zoning District. The property is located at 524 Country Club Road in the Falling River District. The applicant has submitted a proffer statement with the petition limiting the use of the property under the B-2 zoning.

Chairman Carter stated that at the regular meeting of the Planning commission in May, the Planning Commission voted 4-2 (Conner & Dickerson dissenting, Hudson absent) to recommend approval of the request. An ordinance has been prepared for the Board of Supervisors to consider the Planning Commission's recommendation.

Conditional Rezoning Application (Falling River District) for Eugene & Wanda Williams (owner), Dustin Williams (applicant) dba// Wolfbane Productions, is seeking to conditionally rezone 1.61 acres from A-1, Agricultural Zoning District to B-2, Limited Commercial Zoning District, located on Country Club Road, near the intersection of Purdum Mill Road, in the Appomattox community.

### **AN ORDINANCE TO CONDITIONALLY REZONE 1.61 ACRES LOCATED ON COUNTRY CLUB ROAD AND IDENTIFIED AS A PORTION OF TAX PARCEL IDENTIFICATION NUMBER 75 (4) 10 FROM A-1 AGRICULTURAL ZONING DISTRICT, TO B-2, LIMITED COMMERCIAL ZONING DISTRICT.**

**WHEREAS**, the owner of the subject property, through his applicant (Dustin Williams), has petitioned for the conditional rezoning from A-1, Agricultural Zoning District to B-2, Limited Commercial Zoning District, of 1.61 acres located on Country Club Road and otherwise known as a portion of Tax Parcel Identification Number 75 (4) 10 and shown as part of the application submitted for this petition; and

**WHEREAS**, a division plat, creating this 1.61 acre parcel has been approved by the County and duly recorded with the Clerk of the Court as Instrument Number 201600XXXX; and

**WHEREAS**, the proposed conditional rezoning was advertised and neighboring landowners were notified as required by Virginia Code §15.2-2204, §15.2-2285, and §15.2-1427(F) and the

proposed conditional rezoning has undergone properly advertised public hearings by the Planning Commission on May 13, 2016 and by the Board of Supervisors on June 20, 2016; and

**WHEREAS**, the Planning Commission, at its regular meeting on May 13, 2016, voted to recommend approval of the petition with the proffer statement dated April 26, 2016 (4-2, Dickerson & Conner dissenting, Hudson absent); and

**WHEREAS**, Proffer number one states that all permitted uses in the B-2 zoning district are hereby proffered out, thereby making them unlawful; and

**WHEREAS**, Proffer number two lists the following conditional use categories that will be allowed: Bed & Breakfast, Commercial Indoor Entertainment, Commercial Outdoor Entertainment, and Two-Family Dwelling (duplex) and stating that conditional uses are subject to further approval by the Board of Supervisors and that all other uses listed are not allowed subject to the amendment of the proffer statement; and

**WHEREAS**, the Board has carefully considered the report, recommendation of the Planning Commission, the presentation of staff, and the comments during the public hearings; and

**WHEREAS**, the Board has determined that the requested conditional rezoning meets the goals and objectives of the Comprehensive Plan and the purposes of the Zoning Ordinance; and

**WHEREAS**, the Board finds that the public necessity, convenience, general welfare, or good zoning practice requires adoption of an ordinance to amend the zoning district classification of the subject property.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF APPOMATTOX COUNTY, VIRGINIA** that in consideration of the report and recommendation from the Planning Commission, the presentation of staff, and the public hearings held by the Board of Supervisors and the Planning Commission, the proposed conditional rezoning is hereby granted, subject to the proffers stated herein, and 1.61 acres of a portion of Tax Parcel Identification Number 75 (4) 10, as described herein, is hereby conditionally rezoned from A-1, Agricultural Zoning District to B-2, Limited Commercial Zoning District; and

**BE IT FURTHER ORDAINED** that the County's Official Zoning Map shall be amended to reflect the change in zoning classification authorized by this ordinance and the Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this Ordinance.

This Ordinance shall take effect immediately.

Ms. Carter made a motion to approve the resolution with submitted proffers as presented. Mr. Millner seconded Ms. Carter's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

## **Resolution CUP16-0199-Dustin Williams**

Chairman Carter stated that the following conditional rezoning of the Williams parcel to B-2, Limited Commercial Zoning, the use proposed is an outdoor theatre (Commercial Outdoor Entertainment), which is a conditional use. At the regular meeting of the Planning Commission in May, the Planning Commission voted unanimously to recommend approval of the conditional use permit with fifteen (15) conditions.

A resolution has been prepared for the Board of Supervisors to consider the recommendation for the Planning Commission.

After discussion, Mr. Roark stated that he will make the needed change in the verbiage in condition #15 as requested by Mr. Moody.

### **A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (CUP160199) IN THE FALLING RIVER DISTRICT FOR EUGENE & WANDA WILLIAMS (OWNER), DUSTIN WILLIAMS (APPLICANT) TO OPERATE AN OUTDOOR THEATRE (COMMERCIAL OUTDOOR ENTERTAINMENT) OFF OF COUNTRY CLUB ROAD IN APPOMATTOX, VIRGINIA**

**WHEREAS**, Eugene & Wanda Williams (owner), Dustin Williams (applicant) have applied for a conditional use permit to operate an outdoor theatre at 524 Country Club Road. The property zoning is Conditional B-2, Limited Commercial Zoning District. The property is further identified as a portion of Tax Map Identification Number 75 (4) 10 and is located on the north side of Country Club Road near the intersection of Purdum Mill Road in the Appomattox community; and

**WHEREAS**, the land use “Commercial Outdoor Entertainment” is a conditional use within the B-2, Limited Commercial Zoning District; and

**WHEREAS**, Commercial Outdoor Entertainment is defined by the Appomattox County Zoning Ordinance as “predominantly spectator uses conducted in open or partially enclosed or screened facilities” and

**WHEREAS**, the petition was referred to the Planning Commission, which held a duly advertised and noticed public hearing on May 13, 2016, and the Planning Commission received comments from the general public; and

**WHEREAS**, the Planning Commission, weighed these comments and found unanimously for reason of public necessity, convenience, general welfare, and good zoning practice, to recommend approval of the Conditional Use Permit petition with conditions; and

**WHEREAS**, the conditions are listed as follows:

1. **Hours of Operation:** All outdoor live performance events shall only take place between the hours of 11:00 a.m. and 11:00 p.m. Sunday through Thursday. Friday and Saturday all outdoor live performance events shall only take place between the hours of 11:00 a.m. and 11:30 p.m. There is no time limitation on events/activities, associated with the performing arts center, taking place inside of an enclosed building or not associated with live performance events.



2. **Setback:** The stage(s) and sound amplification equipment shall not be oriented toward any residence located within one hundred (100) feet of a property line. Furthermore, to the extent possible, sound amplification equipment shall be oriented so that sound is directed away from the closest residential property. For purposes of this permit, "sound amplification equipment" means bullhorns, small portable sound systems, microphones, and amplified musical instruments or any similar device.
3. **Noise:** A maximum noise level of eighty (80) decibels shall be permitted as measured at the property line of the nearest residential property. Measurement shall be made with a Type 1 or Type 2 calibrated sound-level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association.
4. **Parking:** Adequate off-street parking shall be provided for events and shall include accommodations for patrons having physical disabilities. Minimum spaces provided shall be fifty (50) plus one (1) space per employee or event staff. Ingress and egress shall be addressed through the Virginia Department of Transportation (VDOT). At least one (1) entrance shall be constructed to current VDOT minimum standards for commercial entrances.
5. **Traffic:** Single events anticipated to attract greater than 250 patrons shall be coordinated with the Director of Public Safety, VDOT and the Sheriff's Department. A traffic control plan may be required upon request by the Director of Public Safety, Sheriff or VDOT.
6. **Lighting:** All light and glare shall be directed on-site to ensure surrounding properties are not adversely impacted by an increase in direct or indirect ambient lighting levels. Ambient lighting shall not exceed 0.5- foot candle power at any property line.
7. **Food Vendors:** All food vendors operating in conjunction with any live performance event must comply with all Virginia Department of Health regulations. If electrical power is needed, the Appomattox County Building Official shall be notified, proper permitting obtained and inspections shall be completed prior to the event.
8. **Alcohol:** Event organizers planning to sell beer or wine must apply directly to and receive a permit from the Virginia Department of Alcohol Beverage Control. A copy of said permit shall be provided to the zoning administrator in advance of the event.
9. **Tents:** The erection and use of any tent or canopy in excess of 900 square feet shall require a building permit and inspection by the Appomattox County Building Official. All tents or canopy shall be secured at each corner by using a minimum 70-pound weight, 10-gallon water ballast or other suitable tie-down.
10. **Solid Waste:** Sufficient solid waste containers should be provided depending on the size of the event. Solid waste containers should not be visible from the public right of way or from any adjoining residential property.
11. **Restrooms:** Adequate restroom facilities should be provided either permanently or on a temporary basis. All portable restroom facilities should be removed within three (3) business days following the end of a live performance event or a performance series. Temporary restroom facilities should not be visible from the public right of way or from any adjoining residential property.
12. **Public Safety:** Prior to any single live performance event anticipated to have 250 or greater patrons, the owner/applicant shall confer with the local fire department and rescue squad to ensure that adequate safety measures are in place to effectively manage emergency situations. If emergency services support is determined to be necessary, the entirety of the cost of said support services shall be assumed by the owner/applicant.
13. **Complaints:** Should the applicant receive complaints of violations of the conditions during a live performance event the complainant shall be directed to the Sheriff's Department. The Sheriff's Department will then follow normal and customary procedures to resolve the matter. All complaints concerning lighting, noise or traffic shall be addressed immediately by the applicant, with a written statement detailing such complaint and corrective action being supplied to the zoning administrator within fifteen (15) days of the event. Complaints of violations outside

of a live performance event shall be submitted to the zoning administrator. The zoning administrator shall contact the applicant within seven (7) days. The applicant shall provide the zoning administrator with a written statement detailing the complaint and corrective action within fifteen (15) days of notification.

14. **Term of Permit:** This conditional use permit shall be limited to a term of not more than twenty-four (24) months. Prior to the conclusion of this time period, the Planning Commission shall review the status of the permit and make a recommendation to the Board of Supervisors; whether to renew or revoke the conditional use permit. Any subsequent renewals may be either for a limited term or general approval with no time limit, at the discretion of the Board of Supervisors. Any and all other conditions may be amended, deleted, or expanded only during this review period.
15. **Ownership:** The property (1.61 acres) will be owned by Eugene & Wanda Williams or Dustin Williams. The approval of the conditional use permit is contingent upon the continued ownership of the property by any of the three petitioners. At such time as they do not retain majority ownership in the property, the conditional use permit shall become null and void.; and

**WHEREAS,** the petition has been duly advertised and noticed for Public Hearing before the Board of Supervisors on June 20, 2016, with said Public Hearing being held and comments received; and

**WHEREAS,** the Board of Supervisors finds that the proposed use is consistent with the comprehensive plan, the zoning ordinance, and good zoning practice and would generally promote the health, safety, and general welfare of the public;

**NOW, THEREFORE BE IT RESOLVED,** the Board of Supervisors hereby grants Conditional Use Permit CUP160199- Eugene & Wanda Williams (owner), Dustin Williams (applicant) to operate an outdoor theatre (commercial outdoor entertainment) in concurrence with the recommendation of the Planning Commission.

Mr. Moody made a motion to approve the provided resolution with mentioned change to #15 as discussed. Mr. Millner seconded Mr. Moody's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

### **Resolution-Comprehensive Plan Update**

Chairman Carter stated that a public hearing has been held and comments received. At the regular meeting of the Planning Commission in May, the Planning Commission voted unanimously to recommend amending and re-adopting the Comprehensive Plan Update Draft dated April 6, 2016.

A resolution has been prepared for the Board of Supervisors to consider the recommendations of the Planning Commission.

**Resolution to Amend and Re-Adopt the Appomattox Comprehensive Plan As Recommended by the  
Planning Commission**

**WHEREAS**, Section 15.2-2223 of the Code of Virginia, (1950) as amended, states that the local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction; and

**WHEREAS**, Section 15.2-2223 of the Code of Virginia, (1950) as amended, further states that every governing body shall adopt a comprehensive plan for the territory under its jurisdiction; and

**WHEREAS**, the comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, or extent of each feature shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use; and

**WHEREAS**, the plan may include but not be limited to, designation of areas for residential, business, industrial, agricultural, mineral resources, conservation, recreation, public service, flood plain and drainage, highways, railways, waterways, and other like facilities; and

**WHEREAS**, the plan may include but not be limited to, designation of community facilities such as parks, schools, playgrounds, public buildings and institutions, community centers, historical areas, an official map, zoning and subdivision ordinances and maps; and

**WHEREAS**, the plan may include but not be limited to the determination of affordable housing needs, both current and future, and proposed urban development areas for concentrated growth; and

**WHEREAS**, the Planning Commission set out to update the 2003 Community Development Plan (Comprehensive Plan) in June of 2015 by carefully studying development trends, the use of land, preservation of agricultural and forestall land, population data, transportation infrastructure, and public utility expansion plans; and

**WHEREAS**, the Planning Commission, with the assistance of Region 2000 Local Government Council staff, conducted a survey of the general population, the results of said survey helped guide the direction of the comprehensive plan update and staff led a process to update and revise the goals and objectives, statistical data and the future land use map; and

**WHEREAS**, the Planning Commission sought public input through a public hearing on May 13, 2016, and having received no comments; and

**WHEREAS**, at its regular meeting on May 13, 2016, the Planning Commission voted unanimously to recommend approval and re-adoption of the updated comprehensive plan; and

**WHEREAS**, the Board of Supervisors endeavors to properly plan for the future physical development of the County through careful planning, sound financial management and proper use of available growth management regulations; and

**WHEREAS**, the 2016 Appomattox County Comprehensive Plan is the means by which to guide the physical development of the County; and

**WHEREAS**, the Board of Supervisors has sought public input through a public hearing on June 20, 2016; and

**WHEREAS**, the Board of Supervisors finds that the proposed plan update is consistent with the goals and objectives of the Board, good planning practices and would generally promote the health, safety and general welfare of the community.

**NOW THEREFORE BE IT RESOLVED**, on this 20<sup>th</sup> day of June, 2016, the Appomattox County Board of Supervisors does hereby amend and re-adopt the 2016 Appomattox County Comprehensive Plan, as recommended by the Planning Commission.

Mr. Hogan made a motion to adopt the resolution as presented. Mr. Millner seconded Mr. Hogan's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Hogan, aye.

### **Heritage Trail Phase 2, VDOT TAP Agreement**

Chairman Carter stated that VDOT Transportation Alternative Program (TAP) funds have been awarded for Phase 2 of the Appomattox Heritage and Recreation Trail (AHRT). Phase 1 included 1.33 miles from the Community Park to a point in the EDA Park behind the Laser Car Wash. Phase 2 will continue the trail at this point and loop around a portion of the EDA park leading back to the Community Parking, adding additional 1.2 miles to the trail. The grant is for \$218,577. Another TAP grant application will be submitted this fall seeking the remaining funds prior to commencing construction. Total project cost is estimated at \$546,442 with 80% of this amount being funded through grants. Local match funds will cover the remaining 20%. The estimated value of the donated trail right of way by the EDA will be used to negate a portion of the local match.

Chairman Carter stated that if it is the desire of the Board of Supervisors to continue with Phase 2 of the AHRT, please authorize the County Administrator to execute the following Standard Project Administration Agreement between the Virginia Department of Transportation and Appomattox County.

THIS AGREEMENT, made and executed in triplicate this 11<sup>th</sup> day of May 2016 by and between the County of Appomattox, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance the Project(s)

and the funding currently allocated or proposed for the project(s) does not include Federal-aid Highway funds; and

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal , state and local laws and regulations. , '

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

I. The LOCALITY shall:

- a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
- b. Receive prior written authorization from the DEPARTMENT to proceed with the project.
- c. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
- d. Provide certification by a LOCALITY official of compliance with applicable laws and regulations on the State Certification Form for State Funded Projects or in another manner as prescribed by the DEPARTMENT.
- e. Maintain accurate and complete records of each Project's development of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for not less than three (3) years following acceptance of the final voucher on each Project.
- f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and also include an up-to-date project summary and schedule tracking payment requests and adjustments.
- g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if due to action or inaction solely by the LOCALITY the project becomes ineligible for state reimbursement, or in the event the reimbursement provisions of Section 33.2-348 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of state law or regulations require such reimbursement.
- h. On Projects that the LOCALITY is providing the required match to state funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by

the DEPARTMENT in the performance of activities set forth in paragraph 2.a.

- i. Administer the Project in accordance with all applicable federal, state, and local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of state-aid reimbursements
  - J. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
  - k. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties.
  - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f; reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
  - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
  - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with applicable laws and regulations.
  - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.

5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its cost exceeds the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between the either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, receive a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g, and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination and unless otherwise agreed to, the DEPARTMENT shall retain ownership of plans, specifications, and right of way for which state funds have been provided, unless all state funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THE LOCALITY and the DEPARTMENT further agree that should Federal-aid Highway funds be added to the project, this agreement is no longer applicable and shall be terminated. The LOCALITY and the DEPARTMENT mutually agree that they shall then enter into a Standard Project Administration Agreement for Federal-aid Projects.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

After discussion, Ms. Carter made a motion to continue with Phase 2 of the AHRT, and to authorize the County Administrator to execute the Standard Project Administration Agreement between the Virginia Department of Transportation and Appomattox County. Mr. Moody seconded Ms. Carter's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Hogan, aye.

#### **Spout Spring Ruritan Club 50<sup>th</sup> Anniversary**

Chairman Carter stated that the following resolution is honoring the Spout Spring Ruritan Club's 50<sup>th</sup> Anniversary and its dedicated services to Appomattox County. Mr. Millner read the following resolution:

#### **RESOLUTION HONORING SPOUT SPRING RURITAN CLUB'S 50<sup>TH</sup> ANNIVERSARY**

WHEREAS, in the mid-1960s, a group of men in western Appomattox County observed a need for a service organization local to that area; and

WHEREAS, these men searched the surrounding community for special families willing to give of their time and resources to help others in need; and

WHEREAS, through the sponsorship of the Oakville Ruritan Club, the Spout Spring Ruritan Club was chartered on May 9, 1966; and

WHEREAS, as a result of the efforts of the Charter Members, a very active community-oriented organization was formed; and

WHEREAS, through the years, countless hours of hard work and loyal service by the membership of the Spout Spring Ruritan Club has touched the lives of numerous Appomattox County residents; and

WHEREAS, many more people have been impacted by the organization's various outreach programs; and



WHEREAS, the Spout Spring Ruritan Club has promoted community growth and investment, including graciously donating funds to assist with projects such as the Appomattox Community Park.

NOW THEREFORE BE IT RESOLVED THAT the Appomattox County Board of Supervisors does hereby officially recognize the Spout Spring Ruritan Club on the occasion of its 50<sup>th</sup> Anniversary and for providing the Appomattox Community with outstanding contributions in both service and leadership during that time.

BE IT FURTHER RESOLVED THAT the Board of Supervisors does hereby thank the Charter Members of the Spout Spring Ruritan Club for their foresight and dedication necessary to establish and maintain this great organization for the past 50 years.

Ms. Carter made a motion to approve the resolution as read by Mr. Millner. Mr. Millner seconded Ms. Carter's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Mr. Hogan thanked Spout Spring Ruritan Club for their services to the Community.

All members of the Board echoed thanks to Spout Spring Ruritan Club for their support and help to so many citizens within our community.

#### **VDOT Six Year Road Plan/Construction Priority List Resolution**

Chairman Carter presented the following resolution approving the Virginia Department of Transportation's proposed Six Year Plan for Secondary Roads and the Construction Priority List for Appomattox County.

At a regular meeting of the Board of Supervisors of the County of Appomattox, held at the Board of Supervisors meeting room on June 20, 2016 at 6:30 p.m.

#### **Present were:**

Samuel E. Carter, Chairman  
Sara E. Carter, Vice-Chairman  
William H. Hogan  
Bryan A. Moody  
Chad E. Millner

Courthouse District  
Piney Mountain District  
Appomattox River District  
Wreck Island District  
Falling River District

WHEREAS, Section 33.2-358 and 33.2-364 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2016/17 through 2021/22) as well as the Construction Priority List (2016/17) on June 20, 2016 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Don Austin, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2016/17 through 2021/22) and the Construction Priority List (2016/17) for Appomattox County,

NOW, THEREFORE, BE IT RESOLVED that said Plan appears to be in the best interest of the Secondary Road System in Appomattox County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2016/17 through 2021/22) and Construction Priority List (2016/17) with established priority changes are hereby approved after the public hearing.

Mr. Hogan made a motion to adopt the resolution approving the Virginia Department of Transportation's proposed Six Year Plan for Secondary Roads and the Construction Priority List for Appomattox County with changing the Rural Rustic priority list making Poorhouse Creek Road #5 on the list and moving Cub Creek to #6 on the priority list. Mr. Moody seconded Mr. Hogan's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

#### **Blue Ridge Medical Center Resolution**

Chairman Carter presented the following resolution for Blue Ridge Medical Center requesting support of a satellite center in Appomattox County.

#### **RESOLUTION SUPPORTING BLUE RIDGE HEALTH CENTER, INC. ESTABLISHING A SATELLITE CENTER IN APPOMATTOX COUNTY**

**WHEREAS**, there is a need for improved access to health care in Appomattox County, particularly for people who are uninsured, low income, or experiencing other barriers to care, and

**WHEREAS**, Blue Ridge Health Center, Inc., a non-profit health care organization and a Federally Qualified Health Center has a mission to provide quality health care to people regardless of ability to pay and to improve their general health and well-being through prevention, education, and treatment, and

**WHEREAS**, Blue Ridge Health Center, Inc. is interested in establishing a satellite center in Appomattox County and will be submitting an application for grant funding to the Federal government's Health Resources and Services Administration for a "new access point" in Appomattox County by July 15, 2016,

**THEREFORE BE IT RESOLVED**, that the members of the Board of Supervisors of Appomattox County fully agree that the establishment of a Federally Qualified Health Center would benefit County residents who need improved access to affordable quality care, and

**BE IT ALSO RESOLVED THAT**, the Appomattox County Board of Supervisors supports the submission of a funding application by Blue Ridge Health Center, Inc. for a new access point in Appomattox County and encourages the Health Resources and Services Administration to award such funding.

Mr. Millner made a motion to adopt the presented resolution supporting the establishment of a satellite center in Appomattox County. Ms. Carter seconded Mr. Millner's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan aye; Mr. Millner, aye; Mr. Moody, abstained.

#### **Request for Special Event Permit – Liberty Baptist Church**

Chairman Carter stated that for the Board consideration is a Special Entertainment/Event Permit Application for the "Salute to America" concert, Meet & Greet and fireworks event sponsored by Liberty Baptist Church. He explained that the event is scheduled for July 2, 2016 at the Appomattox County High School. He stated that the application has been reviewed and comments submitted by the Public Safety Director, Building Official/Fire Marshall, Sheriff, Zoning Administrator and County Administrator.

Ms. Carter made a motion to approve the Special Entertainment/Event Permit Application for the "Salute to America" concert, Meet & Greet and fireworks event sponsored by Liberty Baptist Church and to waive the bond fees as requested. Mr. Millner seconded Ms. Carter's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

#### **Livestock Damage Claim**

Chairman Carter stated that Ms. Robin Wooten is requesting reimbursement for 2 male peacocks and one female peacock that were killed by stray dogs. Mr. Bruce Jones, Extension Agent has valued the fowl at \$600.00. Chairman Carter explained that Mr. Martin has investigated the complaint and was not able to trap or find the dogs associated with incident.

Ms. Carter made a motion to approve payment in the amount of \$600.00 to Ms. Wooten for 2-male peacocks and one female peacock. Mr. Carter seconded Ms. Carter's motion. Chairman Carter called for a Roll Call vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

### **COMMITTEE APPOINTMENTS**

#### **Freedom of Information Act Local Contact Appointment**

Chairman Carter explained that to comply with the Freedom of Information Act changes effective July 1, 2016, the County is required to designate a FOIA officer. The County Administrator requests that the Board consider the appointment of Mr. John Spencer as the FOIA Officer for Appomattox County.

Mr. Moody made a motion to appoint Mr. John K. Spencer as the FOIA Officer for Appomattox County with Ms. Susan M. Adams as the alternate. Mr. Hogan seconded Mr. Moody's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

## **CONSENT AGENDA**

### **Bills**

#### **1. Approval of Invoices**

Please review the attached invoices for payment and consider approval for payment:

TOTAL FY 2016 - \$184,240.57

July 6, 2016 \$94,161.55

July 15, 2016 \$77,352.94

July 18, 2016 \$12,726.08

TOTAL FY 2017 - \$470,817.48

Recommendation:

Please consider approval of the attached invoices for payment.

### **Minutes Approval**

#### **2. Minutes**

Please review the following draft minutes for additions, corrections or questions:

January 30, 2016- Retreat

February 1, 2016 - Regular Scheduled Meeting

February 8, 2016 - Budget Work Session'

February 18, 2016 - Budget Work Session

February 29, 2016 - Work Session

March 3, 2016 - Budget Work Session

March 10, 2016 - Joint Meeting with School Board

March 10, 2016 - Work Session

March 21, 2016 - Work Session

March 21, 2016- Regular Scheduled Meeting

### **Supplemental Appropriations**

#### **3. J. Robert Jamerson Library**

Please supplement by consent and appropriate the following:

7301-5401 Office Supplies \$236.75

7301-5411 Books \$642.25

7301-5840 Special Library Fund \$500.00 TOTAL: \$1379.00

No new local funds are required.

#### **4. Sheriff's Department**

Please supplement by consent and appropriate \$200.00 to 3201-5804 Triad Donation Only  
RE: Funds received from Phelps Garage Inc and Scott & Wilson, Inc for Sheriff's Night Out  
on 7/21/16.

No new local funds are required.

#### **5. Sheriff's Department**

Please supplement by consent and appropriate \$100.00 to 3201-5804 Triad Donation Only  
RE: Donation received from American Legion Post 104 for the Sheriff's Night Out 7/21/16

No new local funds are required.

6. Sheriff's Department

Please supplement by consent and appropriate \$125.00 to 3201-5804 Triad Donation Only  
RE: Donations received from NAPA of Appomattox and Lawson & Beasley for Sheriff's Night Out on 7/21/16.

No new local funds are required.

7. Sheriff's Department

Please supplement by consent and appropriate \$650.00 to 3201-5804 Triad Donation Only  
RE: Donations received from Spout Spring Ruritan Club, Bible Baptist Church, Robinson Funeral Home, and Clayton C. Bryant Sr. Estate for Sheriff's Night Out on 7/21/16

No new local funds are required.

8. Sheriff's Department

Please supplement by consent and appropriate \$150.00 to 3102-5408 Vehicle Power Equipment (FY 2016)

RE: Reimbursement for towing a 1996 Chevrolet Silverado, Receipt #25554

No new local funds are required.

9. Sheriff's Department

Please supplement by consent and appropriate \$1,941.77 to 3102-1002 Sheriff's Office O/T (FY 2016)

RE: Security performed for Appomattox County High School games and the Prom.

No new local funds are required.

10. Department of Social Services

Please supplement by consent and appropriate the following: (FY 2016)

5301-2002 VRS \$9,981.32

5301-2006 Group Life \$ 613.47

5301-2002 ICMA-RC \$ 251.18

RE: Reimbursement for June 2016 Payroll

No new local funds are required.

11. School Capital Projects

Please supplement by consent and appropriate \$113, 562.31 to 9104-7013 School Capital Projects

RE: Painting, flooring and plaster work performed at AMS. (FY 2016)

Funding for these projects was approved by the Board at the October 2015 meeting.

12. County Admin Operating Reserve

Please supplement by consent and appropriate \$3200.05 to 1101-5804 Operating Reserve. (FY 2016)

RE: Overpayment from Piedmont Insurance for broker fees.

No new local funds are required.

13. ACPS Request for Carry Over Funds

Please supplement by consent and appropriate the following Carry Over Funds from the Appomattox Public School FY 2016 Operating Budget to FY 2017 Operating Budget:

Fund 3 School Capital Improvement Fund \$100,000.70

Fund 6 School Textbook Fund \$189,711.00

Fund 7 Carry Forward Fund \$ .49

Staff recommends review of Dr. Grasty's letter dated July 1, 2016. No new local funds are required.

### **FUND TRANSFER**

#### **1. Sports Complex Fund**

Please authorize the Treasurer to transfer \$13,338.06 from the Sports Complex Fund to the General Fund. Please authorize by consent and appropriate \$13,338.06 to 7101 -3002 Professional Services. (FY 2016)

RE: Donations, Grants, etc that is deposited into the Sports Complex Fund and utilized for projects in FY 2016 at the County's Sports Complex. Some of the expenses included A/C units in the concession stand, battery packs for the pitching machines, and construction of new dug outs.

No new local funds are required.

#### **2. Request from Alice Gillette, Treasurer**

Please transfer by consent \$285.00 from the Law Library to the General Fund and Supplement \$285.00 to 2101-5804 Law Library. (FY 2017)

RE: Expenditures for books purchased for the Law Library.

No new local funds are required.

Mr. Millner made a motion to approve the Consent Agenda as presented. Mr. Hogan seconded Mr. Millner's motion. Chairman Carter called for a Roll Call Vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Chairman Carter reviewed Department Reports, Agency Minutes and Reports with the Board and called for comment. Hearing no comment, Chairman Carter stated that a Closed Session would be needed pursuant to Code Section 2.2-3711 (A) 4 to discuss a personnel issue.

Mr. Overstreet, County Attorney clarified that the Closed Session would be needed to discuss two personnel matters with one being the applicants for the Animal Control Officer.

Mr. Millner made a motion to enter into closed session at 8:26 p.m. Ms. Carter seconded Mr. Millner's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Ms. Carter made a motion to return to regular session at 9:40 p.m. Mr. Hogan seconded Ms. Carter's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Chairman Carter read the following Closed Session Certification:

**CERTIFICATION CLOSED MEETING**

**WHEREAS**, the Appomattox County Board of Supervisors has convened a closed session this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712(D) of the Code of Virginia, as amended requires a certification by the Appomattox County Board of Supervisors that such closed session was conducted in conformity with Virginia Law:

**NOW, THEREFORE, BE IT RESOLVED**, that the Appomattox County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from opening meeting requirements by Virginia Law were discussed in the closed session to which this certification motion applies, and (ii) only such matters were heard, discussed or considered by the Appomattox County Board of Supervisors. Chairman Carter called for a Roll Call Vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

No action taken from the Closed Session.

Mr. Millner made a motion to adjourn the Regular Scheduled Meeting at 9:40 p.m. Mr. Moody seconded Mr. Millner's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

The Regular Scheduled Meeting adjourned at 9:40 p.m.

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Samuel E. Carter, Chairman